IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 9578 of 2005

Between:

Ch.Chenchu Ramaiah S/o.Venkata Subbaiah
R/o.Minnekallu Village, Tangedumalli,

Santhamaguluru Mandal, Prakasam District.

..... PETITIONER

AND

1 State of A.P, Rep by its Prl. Secretary.
Roads & Buidings Dept, Secreatariat ,Hyderabad.
2 Executive Engineer,
Road and Buildings, Ongole Division, Ongole , Prakasam District.
3 Chief Executive Officer,
Zillaparishad, Ongole , Prakasam District.
4 Revenue Divisional Officer/ Land Acquisition Officer,

Ongole , Prakasam district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ , order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Writ of Mandamus declaring the action of the respondents in not paying compensation for the formation of road between Santhamaguluru- Kotappakonda via Minnekallu through his land of Ac.1.00 cents out of Ac.12.45 cents in Sy No.(D No) 155 of Minnekallu Village, h/o. Tangedumalli Village of Santhamaguluru Mandal in spite of petitioner's claims, Dt.25-10-2004, 6-1-2005 is illegal, and Violative of Art: 14, 21 and 300 A of the Constitution of India and also contrary to provisions of Land Acquisition Act and consequently direct the respondents to pay compensation by initiating Land Acquisition proceedings in accordance with law and pass such other order or orders.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos.1 to 4: GP FOR ROADS & BUILDINGS

The Court at the stage of admission made the following:

ORDER:

Declaring the action of the respondents in not initiating land acquisition proceedings and not paying compensation for the formation of road between Santhamaguluru - Kotappakonda via Minnekallu through his land of Ac.1.00 cents out of Ac.12.45 cents in Sy.No.(D No) 155 of Minnekallu village, h/o.Tangedumalli village of Santhamaguluru Mandal, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

No proceedings have been filed to show that the land of the petitioner has been acquired. The remedy available to the petitioner is to approach appropriate authority or to a competent Civil Court for adjudication of dispute. Without there being any material, no direction can be given to the respondents. The writ petition is totally devoid of merit.

Therefore, the Writ Petition is dismissed, leaving open all remedies available to the petitioner.

Dated: 26.04.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Principal Secretary,

Government of A.P.,

Roads and Buildings Department,

Secretariat, Hyderabad

2. The Executive Engineer,

Roads and Buildings,

Ongole Division,

Ongole, Prakasam District

3. The Chief Executive Officer,

Zilla Parishad, Ongole,

Prakasam District

4. The Revenue Divisional Officer/

Land Acquisition Officer,

Ongole, Prakasam District

5. Two CCs to the Government Pleader

for Roads & Buildings, High Court Buildings,

Hyderabad (OUT)

6. Two CD copies